

CHAPTER 43. CONSERVATION COMMISSION ORDINANCE.

SECTION 101. ESTABLISHMENT. This Chapter is adopted pursuant to Home Rule powers as provided in Article VIII, Part 2, of the Maine Constitution and the Home Rule provisions of Title 30-A M.R.S.A. Sections 3001, et. seq. and Title 30-A, M.R.S.A. Section 3261, et. seq., to promote the health, safety and welfare of the citizens of the City of Brewer.

SECTION 102. APPOINTMENT. The Commission shall consist of seven (7) members appointed by the City Council for three (3) year terms, so that the term expires on March 31st. Terms shall be staggered so that the terms of approximately 1/3 of the members will expire each year. Any person presently serving a term on the Conservation Commission shall continue to serve until his or her term expires.

SECTION 103. ORGANIZATION AND RULES.

SECTION 103.1. The Commission shall elect a Chairman, Vice-Chairman, and Secretary from among its members. It may create and fill such other offices from among its membership as it may determine. The term of all such offices shall be for one (1) year with or until their successors are elected, whichever occurs later. Elections shall take place at the first regularly scheduled meeting after April 1st each year. Members shall be eligible to succeed themselves in such offices.

SECTION 103.2. In the absence of the Chairman at any meeting, the Vice-Chairman shall assume the responsibilities of the Chairman for that meeting. In the absence of the Vice-Chairman and/or Secretary at any meeting, the members may select a Vice-Chairman and/or Secretary pro tem for that meeting.

SECTION 103.3. Any questions of whether a member shall be disqualified from voting on a particular matter shall be decided by a majority of the members present and voting except the member who is being challenged.

SECTION 103.4. The Commission, at the first regularly scheduled meeting after April 1st, shall designate the regular quarterly meeting dates of the Commission for the ensuing year. The meeting date may be changed from time to time by a vote of at least four (4) members of the Commission. The Chairman may call special meetings of the Commission when he or she determines it necessary upon twenty-four (24) hours notice to the membership of the Commission.

SECTION 103.5. No meeting of the Commission shall be held without a quorum, except the members present can adjourn the meeting to a date and time certain. A quorum shall consist of four (4) or more members. The approval of any motion before the Commission shall require a simple majority of the members present and voting.

SECTION 103.6. The Commission shall adopt rules for transaction of business and the

Secretary shall keep a record of its resolutions, transactions, correspondence, findings and determinations. All records shall be deemed public and may be inspected at reasonable times. Meeting minutes shall be filed in the City Clerk's office. The Commission shall also make an annual report to the City Council.

SECTION 104. DUTIES AND POWERS.

SECTION 104.1. The Commission shall conduct research, in conjunction with the Planning Board, into the local land areas.

SECTION 104.2. The Commission shall perform studies, plans, or any other duties as may be referred to it from time to time by the City Council.

SECTION 104.3. The Commission shall seek to coordinate the activities of conservation bodies organized for similar purposes.

SECTION 104.4. The Commission may advertise, prepare, print and distribute books, maps, charts, plans and pamphlets which in its judgment it deems necessary.

SECTION 104.5. The Commission shall keep an index of all open areas, publicly or privately owned, within the City, including open marsh lands, swamps and other wet lands for the purpose of obtaining information pertinent to proper utilization, protection, development or use of such open areas. The Commission may recommend to the City Council or any City body or board, or any body politic or public agency of the State of Maine, a program for the better utilization, protection, development or use of such areas, which may include the acquisition of conservation easements.

SECTION 104.6. The Commission shall assist the City Planner on the supervision of the public shade trees (all trees within or upon the limits of any highway; street trees), updates to the Brewer Community Forest Management Plan, and prepare other reports and/or documents pertaining to public shade trees as necessary.

SECTION 104.7. The Commission may develop and undertake an annual tree planting program within funding constraints of the City budgeting process.

SECTION 104.8. The Commission shall perform all required duties contained in Title 30-A, M.R.S.A. Section 3261 except for duties held by the Brewer Director of Parks and Recreation as contained within Chapter 15 of the Codes and Ordinances of the City of Brewer.

SECTION 105. ACQUISITION OF LAND. The Commission may acquire land in the name of the City for any of the purposes set forth in this article with approval of the City Council. The Commission may receive gifts in the name of the City for any of its purposes and shall administer the same for such purposes subject to the terms of the gift.